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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

Docket No. 1:11-cv-02893 (JEI) (AMD)

NICHOLAS DANZA, individually and on behalf of Employee Retirement Income Security Act of 1974, as amended ("ERISA"), Defined Contribution Plans That Used Fidelity Management Company and/or Fidelity Investments Institutional Operations Company, As Their Qualified Domestic Relations Order Service Provider, and the participants and beneficiaries of all such ERISA-covered employee benefit plans,

Plaintiffs,

vs.

FIDELITY MANAGEMENT TRUST COMPANY and FIDELITY INVESTMENTS INSTITUTIONAL OPERATIONS COMPANY,

Defendants.

NOTICE OF APPEAL TO
THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Notice is hereby given that all Plaintiffs (which includes Nicholas Danza, the lead Plaintiff) in this matter hereby appeal to the United States Court of Appeals for the Third Circuit from the entirety of the Order of the District Court of New Jersey, dated August 20, 2012, dismissing all of Plaintiffs' claims.

Respectfully submitted,

Dated: August 31, 2012

By: s/Arnold C. Lakind
Arnold C. Lakind, Esq.
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Counsel for all Plaintiffs-Appellants

CERTIFICATE OF SERVICE

This is to certify that on August 31, 2012, the within Notice of Appeal was filed with the Clerk of the United States District Court for the District of New Jersey using the CM/ECF system, which will automatically provide notice to the following attorneys of record by electronic means:

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Both Defendants-Appellees are represented by Thomas A. Curtin and George C. Jones. In accordance with FED. R. CIV. P. 3(a)(1) two copies of this Notice of Appeal were mailed to the Clerk for the District of New Jersey on August 31, 2012. The appellate docket fee was paid electronically through the CM/ECF system for the District Court for the District of New Jersey.

Dated: August 31, 2012

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